

House Bill 676

By: Representatives Cheokas of the 134th, Sims of the 169th, Franklin of the 43rd, Maddox of the 127th, Levitas of the 82nd, and others

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to general provisions applicable to the General Assembly, so as to authorize the use of process to secure the attendance of witnesses and the production of documents before the House Committee on Information and Audits; to provide for service, witness fees, and records; to provide for criminal failure to respond to a subpoena or answer questions and punishment therefor; to provide for other related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to general provisions applicable to the General Assembly, is amended by adding a new Code section to read as follows:

"28-1-18.

(a) As used in this Code section, the term 'committee' means the House Committee on Information and Audits and any of its subcommittees.

(b) Process in the form of a subpoena may be issued by the committee to secure the attendance of a witness, the production of documents, or both. The issuance of process shall be authorized by vote of the committee and carried out by the chairperson of the committee following such authorization.

(c) Service of subpoenas issued under this Code section shall be made by any person appointed for such purpose by the presiding officer of the House of Representatives.

(d) Witnesses appearing under subpoena shall be entitled to witness fees as provided in Code Section 24-10-24. In the case of a person who resides outside of Fulton County, service of a subpoena under this Code section shall be accompanied by the tender of a witness fee and mileage in the same amounts as specified under Code Section 24-10-24. The legislative fiscal officer shall issue checks for this purpose upon requisition of the

27 chairperson of the committee, and tender of payment in the form of a check so issued shall
28 suffice to validate the service.

29 (e) The Clerk of the House of Representatives shall provide subpoena forms and shall keep
30 permanent records of the issuance of subpoenas, the return of service thereof, and the
31 issuance of certifications under paragraph (2) of subsection (f) of this Code section.

32 (f)(1) Any person who willfully fails to comply with a subpoena under this Code section
33 or who, having appeared, refuses to answer any question pertinent to the question under
34 inquiry shall upon conviction be guilty of a misdemeanor.

35 (2) Upon the failure of a person under subpoena to appear or answer pertinent questions,
36 the chairperson of the committee shall make a certification of such fact to the appropriate
37 prosecuting attorney who shall have the duty to promptly investigate and prosecute any
38 violation of this Code section."

39 **SECTION 2.**

40 All laws and parts of laws in conflict with this Act are repealed.